

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian N. Tufte
Serial No. 10/027,829
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Docket No.: 1076.1103101

Confirmation No.: 2577
Examiner: I. Borissov
Group Art Unit 3639

For: METHOD AND SYSTEM FOR INCREASING THE PARTICIPATION OF CONTRIBUTORS TO A CHARITY OR OTHER NON-PROFIT

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Assistant Commissioner for Patents
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CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this paper is being electronically transmitted to the United States Patent and Trademark Office on the date shown below.

Lynn Thompson October 19, 2007
Lynn Thompson Date

Applicant submits that the Examiner's rejections set forth in the Final Office Action mailed July 24, 2007 contain at least the following clear errors and/or omissions of one or more essential elements needed for a *prima facie* rejection. Applicant hereby request review of the rejections prior to the filing of an appeal brief.

On page 3 of the Final Office Action, the Examiner rejected claims 1-26 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Episcopal Relief and Development; Project for Hope (Project for Hope) in view of Smith et al. The Examiner states that while Project for Hope indicates a "Completed" status of a project, thereby allegedly indicating a reporting step, Project for Hope does not teach that the reporting step includes obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot; or providing the location of the delivery lot to the contributor at one or more points in time. However, the Examiner states that Smith teaches a method for tracking of the delivery of items, including: obtaining the location of the delivery lot of goods at one or more points in time; and providing the location information of the delivery lot to the contributor (sender) (citing paragraphs [0009], [0018], [0019], [0050]). The Examiner concludes that it would have been obvious to one having

include delivering said delivery lot; and that said reporting step includes obtaining the location of the delivery lot at one or more points in time during the delivery of said delivery lot; and providing the location of the delivery lot to the contributor at one or more points in time as disclosed by Smith, because it would advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere, as specifically stated by Smith. This is believed to be clear legal error.

Claim 1, for example, recites:

1. A computer assisted method comprising the steps of:
receiving either directly or indirectly a donation from a contributor;
assigning the donation to a delivery lot;
delivering the delivery lot to one or more people in need;
obtaining the location of the delivery lot at one or more points in time; and
providing the location of the delivery lot to the contributor at one or more points in time;
wherein a computer processor assists in performing one or more of the receiving, assigning, obtaining and providing steps.

Contrary to the Examiners assertions, neither Project for Hope nor Smith teaches, discloses or suggests many of these recited steps, nor do they teach the specific combination of steps.

Smith relates to a mail delivery status system for use by senders and recipients, in the same way as the previously cited Robbins reference. In Projects for Hope, the sender of the goods is clearly the Projects for Hope organization, and not the contributor whose only role appears to be making a donation via the Project for Hope web-site. In Projects for Hope, the contributor would never see or touch the goods that are ultimately sent by the Projects for Hope organization. The sender of Smith, therefore, would clearly correspond to the charitable organization. As it relates specifically to the Projects for Hope reference, Smith would appear to allow the Projects for Hope organization and the receiver (presumably an organization in, for example, Mexico for project PH0001) to access the delivery status of mail pieces sent by the Projects for Hope organization. However, Smith does not disclose or suggest "providing the location of the delivery lot to the contributor at one or more points in time", as recited in claim 1.

As noted in MPEP § 2142, in order to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. The contributor of claim 1 certainly does not "ship" anything to the ultimate destination (e.g. Mexico). Instead, the contributor merely provides a donation via a Project for Hope web-site. It is clearly the Projects for Hope organization that actually sends the goods to the ultimate destination. In view of the foregoing, none of the Projects for Hope reference, Smith, or a combination thereof, teaches, discloses or suggests the steps of: obtaining the location of the delivery lot at one or more points in time; and providing the location of the delivery lot to the contributor at one or more points in time, as recited in claim 1.

At the bottom of page 12 of the Final Office Action, and in the Response to Arguments section, the Examiner states:

In response to applicant's argument that the sender of Smith would correspond to the charitable organization itself and not to the contributor, and therefore Smith does not teach "providing a location of the delivery lot to the contributor", it is noted that Smith explicitly teaches obtaining the location of the shipment (delivery lot of goods) at one or more points in time; and providing the location information of the delivery lot to the sender (contributor) [0009]; [0018]; [0019]; [0050]. Accordingly, contrary to applicant's argument, it is a shipping service provider in Smith which corresponds to the charitable organization in the instant invention (emphasis added).

Here, the Examiner is attempting to assert that the shipping service provider in Smith corresponds to the charitable organization. This, however, is a completely unsupported interpretation, and clearly conjured up after reading applicant's disclosure (i.e. based on improper hindsight). As noted above, Smith relates to a mail delivery status system for use by senders and recipients. The paragraphs of Smith cited by the Examiner are reproduced below:

[0009] The invention is a personal tracking and tracing system that provides a user with information relating to the delivery status of packages, catalogs or other mail pieces sent to or by the user through various catalog companies, delivery services, and/or the postal service. The system provides a user with information about the mail pieces through a personal web page, and thus, the user does not need to know identifying numbers for the respective mail pieces. Further, the user does not even need to know that a particular package has been sent before he or she learns through the personal tracking and tracing system to expect a delivery. The system updates the delivery status information, i.e., expected delivery dates, current locations and so forth, based on information

supplied by the delivery companies and/or the postal service. Thus, to keep track of the changes to the delivery status, the user has only to check his or her web page rather than inquire at the various companies or the postal service and/or sort through e-mail messages from them (emphasis added).

Paragraph [0018] of Smith states:

[0018] As will be seen from the detailed description of a specific embodiment herein, the system provides to a user such as to an intended recipient, whether an individual, a business or organization, etc., a personalized web page that contains delivery status information about mail pieces directed to or sent by the user. The web page also associates with the delivery status information for a given mail piece various related information, such as, the delivery mechanism, i.e., land or air or postal service; mail piece type; and, as appropriate, links to related on-line subscription or catalog offers, payment options and so forth. The table further includes an attachment field in which messages from the sender, postal service or other delivery company may be linked to the mail piece delivery status information. (emphasis added).

Paragraph [0019] of Smith states:

[0019] The delivery status information may be displayed in a table, with entries that are distilled from information provided by the sender, the postal system or other delivery services, and/or the intended recipient. Using the table, the user can readily track and trace the respective mail pieces from the date the mail pieces are provided to, for example, the postal service until the date the mail pieces are delivered by the postal service to the intended recipients. (emphasis added).

Paragraph [0050] of Smith states:

[0050] The user may employ the linkage system of the invention from his or her home (e.g., via web browsers or clients accessible through the node 174) or from a postal station 176, 178. Thus, wherever the individual has access to the browser or client, the user can personally track and trace mail pieces for which he or she is identified as the sender or the intended recipient. (emphasis added).

As can readily be seen, Smith relates to a system that provides mail status information for mail pieces that are directed to (i.e. recipient) or sent by (e.g. sender) the user (see, Smith Abstract). See also, Smith: paragraph [0023] (“The display is essentially a personal web page for the user identified by the user ID 26. The display includes a table 28 with entries 32 for the respective mail pieces that are directed to the user”); paragraph [0024] (“The user may instead view a table

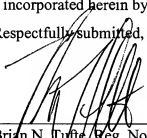
identified by the user ID 26. The display includes a table 28 with entries 32 for the respective mail pieces that are directed to the user"; paragraph [0024]("The user may instead view a table that contains information about mail pieces which were sent by the user"); paragraph [0037]("the Postport system links the selected delivery options with the user ID, and thereafter, follows the delivery instructions with respect to mail pieces directed to the user"); paragraph [[0039]("Referring now to FIG. 7, the Postport system also provides personal tracking and tracing of mail pieces sent by the user"); paragraph [0044]("The Postport system can be thought of as giving a mail piece a digital shadow, that is, a link from the physical mail piece to information about the mail piece or associated with the mail piece by the sender, the postal service and/or the intended recipient").

It is abundantly clear from the foregoing that Smith relates to a mail delivery status system for use by senders and recipients. In Projects for Hope, the sender of the goods is clearly the Projects for Hope organization, and not the contributor whose only role appears to be in making a donation via the Project for Hope web-site. Thus, the sender of Smith must correspond to the charitable organization itself, and not the contributor as the Examiner appears to be suggesting. For these and other reasons, the Examiner's rejection of claim 1 is believed to be clear error. For similar and other reasons, the Examiner's rejection of claims 2-29 is also believed to be clear error.

There are several other clear errors in the Final Office Action, which because of page constraints, are not discussed herein. However, the conferees are invited to review the Amendment filed February 21, 2007, which is incorporated herein by reference.

Respectfully submitted,

Dated: October 19, 2007



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